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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,296	03/09/2005	Rebecca Copeland	P/36766	2540

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EXAMINER

MARSH, OLIVIA MARIE

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/527,296

Applicant(s)

COPELAND, REBECCA

Examiner

Olivia Marsh

Art Unit

2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 16-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 16-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 16-20 and 23-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Koch et al (U.S. 6668049 B1).**

As to **claim 16**, Koch discloses:

A message delivery means (SCP 42) for accepting a message (query message) from a message source (SSP 41) and for delivering the message to a message recipient device (communications center 14) (column 4, lines 5-10, lines 56-60; column 5, lines 8-11), comprising: telecommunications system (telephone network 40) including an intelligent network (IN) platform including a plurality of applications (application logic), each application being stored at a respective

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service control point within the IN platform (column 5, lines 37-39), the plurality of applications including means for handling each received message and for delivering the received message to the recipient device (column 5, lines 39-45, lines 56-57).

As to **claim 17**, Koch discloses everything as applied in claim 16 and Koch also discloses:

the message source comprises at least one selected from a group comprising a mobile telephone, a WAP telephone, an IP/SIP telephone, a computer (SSP 41), a personal assistant device, and a dTV (column 4, lines 8-10).

As to **claim 18**, Koch discloses everything as applied in claim 16 and Koch also discloses:

at least one of the recipient device and the message source is a dTV (column 3, lines 48-50).

As to **claim 19**, Koch discloses everything as applied in claims 16 and 18 and Koch also discloses:

the dTV is connected via a controller that enables the dTV to be connected to the IN platform by at least one of a dial-up, DSL, satellite and cable modem (column 3, lines 61-64).

As to **claim 20**, Koch discloses everything as applied in claims 16 and 18 and Koch also discloses:

the dTV initiates calling back a message sender using a received calling line identity (column 9, line 67; column 10, lines 1-6).

As to **claim 23**, Koch discloses:

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A telecommunications system (telephone network 40) (column 4, lines 5-10, lines 56-60; column 5, lines 8-11), comprising: a message source (SSP 41); a message recipient device (communications center 14); and an intelligent network (IN) platform including a plurality of applications, each application being stored at a respective service control point within the IN platform (column 5, lines 37-39), the plurality of applications including a message delivery means for accepting a message from the message source and for delivering the message to the recipient device (column 5, lines 39-45, lines 56-57).

As to **claim 24**, Koch discloses everything as applied in claim 23 and Koch also discloses:

the message source comprises at least one selected from a group comprising a mobile telephone, a WAP telephone, an IP/SIP telephone, a computer (SSP 41), a personal assistant device, and a dTV (column 4, lines 8-10).

As to **claim 25**, Koch discloses everything as applied in claims 23 and 24 and Koch also discloses:

at least one of the recipient device and the message source is a dTV (column 3, lines 48-50).

As to **claim 26**, Koch discloses everything as applied in claims 23-25 and Koch also discloses:

the dTV is connected via a controller that enables the dTV to be connected to the IN platform by at least one of a dial-up, DSL, satellite and cable modem (column 3, lines 61-64).

As to **claim 27**, Koch discloses everything as applied in claims 23-25 and Koch also discloses:

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the dTV initiates calling back a message sender using a received calling line identity (column 9, line 67; column 10, lines 1-6).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 21-22 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koch as applied in claims 16 and 23 in view of well known prior art (MPEP 2144.03).**

As to **claims 21 and 28**, Koch discloses everything as applied in claims 16 and 23 and Koch also discloses SCP 42 then responds to switch 41's original query with an instruction to present the call; when the telephone rings, the recipient may lift the handset on telephone 12 at location 10 (column 10, lines 9-12). However, Koch fails to disclose a call is set up for a user's fixed line telephone and is billed on a bill for the user's fixed line telephone. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well-known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention to bill a user of a fixed telephone line when the user makes/receives calls on the fixed telephone line.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the message delivery means, disclosed by Koch, a call is set up for a user's

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fixed line telephone and is billed on a bill for the user's fixed line telephone, as taught by well known prior art, in order to charge the user for telephone services.

As to **claims 22 and 29**, Koch discloses everything as applied in claims 16 and 23 and Koch also discloses SCP 42 then responds to switch 41's original query with an instruction to present the call; when the telephone rings, the recipient may lift the handset on telephone 12 at location 10 (column 10, lines 9-12). However, Koch fails to disclose the IN platform includes a billing application for generating billing information for the message in the same way as billing information is generated for telephone calls. The Examiner contends this feature was old and well known in the art at the time of invention as taught by well-known prior art.

The Examiner takes Official Notice that it was old and well known in the art at the time of invention for a SCP to generate billing information for a call placed/received on a user's fixed line telephone.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the message delivery means, disclosed by Koch, the IN platform includes a billing application for generating billing information for the message in the same way as billing information is generated for telephone calls, as taught by well known prior art, in order to generate billing information once a user responds to the message.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marsha D Banks-Harold*

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SUPERVISORY PATENT EXAMINER  
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